

1 JASON A. WEISS (BAR NO. 185268)
SHANNON R. WOLF (BAR NO. 226828)
2 ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
3 1900 Main Street, Fifth Floor
Irvine, California 92614-7321
4 Phone: (949) 553-1313
Fax: (949) 553-8354
5 E-Mail: jweiss@allenmatkins.com
swolf@allenmatkins.com

6
7 BALDWIN J. LEE (BAR NO. 187413)
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
8 Three Embarcadero Center, 12th Floor
San Francisco, California 94111-4074
9 Phone: (415) 837-1515
Fax: (415) 837-1516
10 E-Mail: blee@allenmatkins.com

11 Attorneys for Defendant
TOLL BROTHERS, INC.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 PETER SWALLOW,

17 Plaintiff,

18 vs.

19 TOLL BROTHERS, INC.; AND DOES
1-25, INCLUSIVE,

20 Defendants.
21
22
23
24
25
26
27
28

Case No. C 08-2311 JCS

**DECLARATION OF TIMOTHY J.
HOBAN IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Date: August 29, 2008
Time: 1:30 p.m.
Judge: Honorable Joseph C. Spero

Complaint Filed: April 3, 2008
Trial Date: None Set

DECLARATION OF TIMOTHY J. HOBAN

I, Timothy J. Hoban, declare as follows:

1. I am an attorney at law, authorized to practice in the State of California. I am Regional Counsel for Defendant Toll Bros., Inc. ("Toll"). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I spoke on the telephone with Plaintiff's counsel in connection with this case prior to learning that Plaintiff had filed a lawsuit. I do not recall Plaintiff's counsel ever telling me that the reason she requested a tolling agreement was in order to obtain a Right-To-Sue letter.

3. I informed Plaintiff's counsel that Peter Swallow was subject to an arbitration agreement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 29, 2008, at Siguel Hill, California.



Timothy J. Hoban

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.:

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 1900 Main Street, Fifth Floor, Irvine, California 92614-7321.

On July 3, 2008, I served on interested parties in said action the within:

**DECLARATION OF TIMOTHY J. HOBAN IN SUPPORT OF
DEFENDANT'S OPPOSITION TO MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

by placing a true copy thereof in sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at Irvine, California.

Kathleen M. Lucas, Esq.
The Lucas Law Firm
180 Montgomery Street, Suite 2000
San Francisco, California 94104

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on July 3, 2008, at Irvine, California.

Stephanie S. Pattis

(Type or print name)



(Signature)